

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

**FILED**

**JUL 10 2017**

Clerk, U.S. District Court  
District Of Montana  
Great Falls

CITIZENS FOR CLEAN ENERGY,  
ECOCHEYENNE, MONTANA  
ENVIRONMENTAL INFORMATION  
CENTER, CENTER FOR  
BIOLOGICAL DIVERSITY,  
DEFENDERS OF WILDLIFE,  
SIERRA CLUB, and WILDEARTH  
GUARDIANS,

Plaintiffs,

and

THE NORTHERN CHEYENNE  
TRIBE,

Plaintiff,

vs.

U.S. DEPARTMENT OF THE  
INTERIOR; U.S. SECRETARY OF  
THE INTERIOR; and U.S. BUREAU  
OF LAND MANAGEMENT,

Defendants.

**CV-17-30-GF-BMM**

**ORDER REGARDING THE STATE OF  
MONTANA'S MOTION TO INTERVENE**

Applicant for intervention, the State of Montana, has moved for leave of Court to intervene as of right pursuant to Federal Rule of Civil Procedure 24(a)(2). (Doc. 39.) Federal Defendants do not oppose the State of Montana's intervention in this matter. (Doc. 39 at 3.) The State of Wyoming also does not oppose. *Id.*

Under Fed. R. Civ. P. 24(a)(2), to intervene as of right, an applicant must show that “( 1) it has a significant protectable interest relating to the property or transaction that is the subject of the action; (2) the disposition of the action may, as a practical matter, impair or impede the applicant's ability to protect its interest; (3) the application is timely; and ( 4) the existing parties may not adequately represent the applicant's interest.” *In re Estate of Ferdinand E. Marcos Human Rights Litig.*, 536 F.3d 980, 984 (9th Cir. 2008) (internal quotations and citation omitted).

The State of Montana contains a number of coal leases that would be affected by the coal moratorium and potential injunction at issue in this case. (Doc. 40 at 6-7.) The State of Montana also occupies a different position than that of the United States and the State of Wyoming on the basis that the State of Montana has unique interests as a high volume coal producing state. *Id.* at 8-10. The Applicant meets the standard for intervention as of right.

IT IS ORDERED that the unopposed motion (Doc. 39) for intervention as of right of Applicant State of Montana is hereby GRANTED.

IT IS FURTHER ORDERED that Defendant-Intervenor State of Montana must file its responsive pleading or motion within seven days after the deadline by which Federal Defendants must file their responsive pleading or motion.

The Court will impose briefing word limits on all parties, including intervenors, at the preliminary pretrial conference, which will be scheduled after responsive pleadings or motions are filed in this case.

DATED this 10th day of July, 2017.

A handwritten signature in black ink, appearing to read "Brian Morris".

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Brian Morris  
United States District Court Judge